



# County of Fresno

DEPARTMENT OF PUBLIC WORKS AND PLANNING  
STEVEN E. WHITE, DIRECTOR

## Planning Commission Staff Report Agenda Item No. 3 March 28, 2019

**SUBJECT:** Variance Application No. 4061

Waive the required six (6)-foot-high solid masonry wall (abutting residential zoning) to allow a six (6)-foot-high chain-link fence with privacy inserts on a 3.57-acre lot in the M-1(c) (Light Manufacturing, Conditional) Zone District.

**LOCATION:** The subject parcel is located south of Dudley Avenue approximately 1,072 feet west of its nearest intersection with Marks Avenue, westerly adjacent to the city limits of the City of Fresno (Sup. Dist. 1) (APN 449-110-23).

**OWNER:** Larry S. and Shelly R. Rompal, Trustees  
**APPLICANT:** Larry Rompal

**STAFF CONTACT:** Thomas Kobayashi, Planner  
(559) 600-4224

Marianne Mollring, Senior Planner  
(559) 600-4569

**RECOMMENDATION:**

- Deny Variance Application No. 4061; and
- Direct the Secretary to prepare a Resolution documenting the Commission's action.

**EXHIBITS:**

1. Conditions of Approval and Project Notes
2. Location Map
3. Existing Zoning Map
4. Existing Land Use Map
5. Variance One-Mile Radius Map
6. Site Plan and Fencing Plan
7. Fence Elevation
8. Correspondence
9. Resolution approving General Plan Amendment No. 551 and Amendment Application No. 3823
10. Applicant's Variance Findings

**SITE DEVELOPMENT AND OPERATIONAL INFORMATION:**

<b>Criteria</b>	<b>Existing</b>	<b>Proposed</b>
General Plan Designation	Light Industrial	No Change
Zoning	M-1(c)	No Change
Parcel Size	3.57 acres	No Change
Project Site	N/A	N/A
Structural Improvements	No existing structural improvements	Storage building and six (6)-foot chain-link fence with privacy inserts
Nearest Residence	The project site is currently located between three residences. The closest is approximately twenty-five (25) feet to the east.	No Change
Surrounding Development	Single-Family Residences, Industrial and a Fresno Metropolitan Flood Control District (FMFCD) water basin	No Change
Operational Features	N/A	N/A
Employees	N/A	N/A

<b>Criteria</b>	<b>Existing</b>	<b>Proposed</b>
Customers	N/A	N/A
Traffic Trips	N/A	N/A
Lighting	N/A	N/A
Hours of Operation	N/A	N/A

**EXISTING VIOLATION (Y/N) AND NATURE OF VIOLATION: N**

**ENVIRONMENTAL ANALYSIS:**

The proposed use was evaluated by Initial Study Application No. 7298, and a Mitigated Negative Declaration was recommended. The Mitigated Negative Declaration was adopted by the Board of Supervisors with approval of General Plan Amendment No. 551 and Amendment Application No. 3823 on May 8, 2018. Minor impacts relating to noise, dust and aesthetics are identified with this project proposal, but based on existing Mitigation Measures and design features, staff has determined that no substantial change or new information of substantial importance has come to light. Additional environmental analysis is not required for this project under Section 15162 of the California Environmental Quality Act.

Section 15162 of the California Environmental Quality Act states that no subsequent Environmental Impact Report (EIR) shall be prepared unless the lead agency determines, on the basis of substantial evidence in light of the whole record, one or more of the following:

1. Substantial changes are proposed in the project which will require major revisions of the previous EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously-identified significant effects;
2. Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously-identified significant effects; or
3. New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was adopted, shows any of the following:
  - a. The project will have one or more significant effects not discussed in the previous EIR;
  - b. Significant effects previously examined will be substantially more severe than shown in the previous EIR;
  - c. Mitigation Measures or alternatives previously found not to be feasible would in fact be feasible, and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the Mitigation Measure or alternative; or
  - d. Mitigation Measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the Mitigation Measure or alternative.

## **PUBLIC NOTICE:**

Notices were sent to 78 property owners within 1320 feet of the subject parcel, exceeding the minimum notification requirements prescribed by the California Government Code and County Zoning Ordinance.

## **PROCEDURAL CONSIDERATIONS:**

A Variance (VA) may be approved only if four Findings specified in the Fresno County Zoning Ordinance, Section 877.A are made by the Planning Commission.

The decision of the Planning Commission on a VA is final, unless appealed to the Board of Supervisors within 15 days of the Commission's action.

## **BACKGROUND INFORMATION:**

The Planning Commission, on March 15, 2018, recommended to the Board of Supervisors the approval of General Plan Amendment (GPA) No. 551 that would amend the Fresno County General Plan and County-adopted Fresno High-Roeding Community Plan by re-designating the project from Rural-Density Residential to Limited Industrial, approval of Amendment Application (AA) No. 3823 which would rezone the subject parcel from the R-R(nb) (Rural Residential, Neighborhood Beautification Overlay) Zone District to an M-1(c) (Light Manufacturing, Conditional) Zone District. The Board of Supervisors hearing was held on May 8, 2018 during which the Board approved GPA No. 551 and AA No. 3823.

The proposed Variance will waive Section 843.5.H.1 of the Fresno County Zoning Ordinance that requires a six (6)-foot-high solid masonry wall be erected along the property line of an M-1 lot, which is a district boundary between the M-1 District and any residential district. The Applicant proposes to install six (6)-foot-high chain-link fencing with privacy inserts instead of the masonry wall to meet the required buffer between the industrial and residential districts.

The subject parcel was created as Lot No. 100 of the West Fresno Tract, which was recorded on May 2, 1905. At that time, the property was 4.75 acres in size and was zoned A-2 (General Agriculture). On April 7, 1980, the subject parcel and surrounding area were rezoned from A-2 to RR(nb) (Rural Residential, Neighborhood Beautification Overlay) by means of Amendment Application No. 3138, which was initiated by the County. On May 8, 2018, the Board of Supervisors approved GPA No. 551 and AA No. 3823 for the rezone of the project area from the RR(nb) Zone District to an M-1(c) (Light Manufacturing, Conditional) Zone District and to amend the General Plan and County-adopted Fresno High-Roeding Community Plan to re-designate the subject parcel from Rural-Density Residential to Limited Industrial.

There are sixteen (16) past variance requests within a one-mile radius of the project site. No approved variance requests within a one-mile radius of the project site were related to the project proposal.

Although there is a history of variance requests within proximity of the project site, each variance request must be considered on its own merit, based on unique site conditions and circumstances.

*Finding 1: There are exceptional or extraordinary circumstances or conditions applicable to the property involved which do not apply generally to other property in the vicinity*

having the identical zoning classification.

Finding 2: Such Variance is necessary for the preservation and employment of a substantial property right of the applicant, which right is possessed by other property owners under like conditions in the vicinity having the identical zoning classification.

	<b>Current Standard:</b>	<b>Proposed Operation:</b>	<b>Is Standard Met (y/n)</b>
Setbacks	<p>Front: On any street or highway that is a boundary between an M-1 District and any residential district there shall be a front yard of not less than fifteen (15) feet. This yard shall not be used for parking or loading.</p> <p>When the side lot line in an M-1 District adjoins any residential district there shall be a front yard of not less than fifteen (15) feet. This yard shall not be used for parking or loading.</p> <p>Side: When the side lot line of a lot in an M-1 District adjoins any residential district there shall be a side yard of not less than fifteen (15) feet. Said side yard may be used for parking and storage provided no material therein exceeds a height of six (6) feet.</p> <p>Rear: None unless M-1 District is adjoining a residential district.</p>	<p>Front: No change</p> <p>Side: No change</p> <p>Rear: No change</p>	Y
Parking	<p>One (1) off-street parking space for each two (2) permanent employees. Such spaces shall be located within three hundred (300) feet of the property served. In addition, there shall be at least one (1) parking space</p>	No change	Y

	<b>Current Standard:</b>	<b>Proposed Operation:</b>	<b>Is Standard Met (y/n)</b>
	for each truck operated by the concern and one (1) parking space for each sales person permanently employed.		
Lot Coverage	No requirement	No change	Y
Space Between Buildings	No requirement	No change	Y
Wall Requirements	A six (6)-foot-high solid masonry wall shall be erected along the property line of an "M-1" lot which is a district boundary between the "M-1" District and any residential district.	Erect a six (6)-foot chain-link fence with privacy inserts along the property line of an "M-1" lot which is a district boundary between the "M-1" district and any residential district.	N
Septic Replacement Area	N/A	N/A	N/A
Water Well Separation	N/A	N/A	N/A

**Reviewing Agency/Department Comments Regarding Site Adequacy:**

Development Engineering Section of the Fresno County Department of Public Works and Planning: Dudley Avenue is classified as a Local road with an existing 20-foot right-of-way south of the centerline along the parcel frontage, per Plat Book. The minimum width for a Local road right-of-way south of the centerline is 30 feet.

Dudley Avenue is a County-maintained road. Records indicate this section of Dudley, from 0.312 mile east of Valentine centerline to Valentine, has an ADT of 200, pavement width of 19.1 feet, structural section of 0.2 feet AC, and is in good condition.

Typically, any access driveway should be set back a minimum of 10 feet from the property line. **This shall be included as a Project Note.**

Any work done within the right-of-way to construct a new driveway or improve an existing driveway will require an Encroachment Permit from the Road Maintenance and Operations Division. **This shall be included as a Project Note.**

Typically, any existing or proposed entrance gate should be set back a minimum of 20 feet from the road right-of-way line or the length of the longest truck entering the site and shall not swing outward. **This shall be included as a Project Note.**

For any unpaved or gravel surface access roads, the first 100 feet off of the edge of the road right-of-way must be graded and asphalt concrete paved or treated with dust palliative. **This shall be included as a Project Note.**

10-foot x 10-foot corner cutoffs should be improved for sight distance purposes at the exiting driveway onto Dudley Avenue. **This shall be included as a Project Note.**

According to FEMA, FIRM Panel 06019C1565H, the parcel is not subject to flooding from the 100-year storm.

According to U.S.G.S. Quad Maps, there are no existing natural drainage channels adjacent to or running through the parcel.

The project is located within the FMFCD Boundary and Drainage Zone District UU3. FMFCD should be consulted for their requirements, and any additional runoff generated by development cannot be drained across property lines. **This shall be included as a Project Note.**

Typically, if the subject property is within the City Sphere of Influence (SOI), the City of Fresno should be consulted regarding their requirements for any future off-site improvements and driveway placement relative to the property line. **This shall be included as a Project Note.**

A grading permit or voucher may be required for any grading proposed with this application. **This shall be included as a Project Note.**

Building and Safety Section of the Fresno County Department of Public Works and Planning: No comment.

Design Division of the Fresno County Department of Public Work and Planning: Screening shall be set back from the street-fronting property line to match the beginning of the adjoining residential side yards. This will ensure adequate sight distance for vehicles exiting the project site. **This shall be included as a Project Note.**

Road Maintenance and Operations Division of the Fresno County Department of Public Works and Planning: The fencing along the side yard should not obstruct the driveway visibility of the adjacent parcels. The side-yard fencing should stop at a point 20 feet behind the right-of-way line. **This shall be included as a Project Note.**

The gate for the site is shown at a distance of 149 feet from the right-of-way line. This setback should provide sufficient queueing length for any vehicles that may be stopped in the driveway to open the gate.

Any work within the road right-of-way will require an encroachment permit from this Division. **This shall be included as a Project Note.**

Zoning Section of the Fresno County Department of Public Works and Planning: No comment.

No other comments specific to the adequacy of the site were expressed by reviewing Agencies or Departments.

#### **Analysis:**

In support of Finding 1, the Applicant states that other M-1 (Light Manufacturing) zone districts

in the vicinity of the project area have at most two property lines that are a district boundary with residential zone property. Additionally, the subject property is irregularly shaped compared to other similarly-zoned parcels in the vicinity of the project area. The Applicant also states that the subject property is potentially responsible to construct approximately 1,171+/- linear feet, while other M-1 parcels in the vicinity would be responsible for less than 350 linear feet.

In support of Finding 2, the Applicant states that no other M-1-zoned property on West Belmont that has property lines adjacent to residentially-zoned properties have masonry walls. Based on that knowledge, if the requested Variance is granted, the Applicant states that the proposal will be consistent with existing uses in the area.

A consideration in addressing variance applications is whether there are alternatives available that would avoid the need for the Variance. In this case, the masonry wall requirement is unique in that alternatives are limited, essentially to building the wall as required or relocating the project to another site that is located in an area without adjacent residential zoning. Staff acknowledges, however, that the alternative may not be feasible.

In regard to Finding 1, staff concurs with the Applicant's statement that the project site is located on an irregular-shaped parcel compared to other similarly-zoned parcels in the vicinity and that the project site is subject to more residential property lines compared to similarly-zoned parcels in the vicinity. However, staff would like to note that the subject property was willingly rezoned from the R-R (Rural Residential) Zone District to the M-1(c) (Light Manufacturing, Conditional) Zone District. After the rezone was approved, the subject parcel would be subject to any and all development standards of the new zone district, and this was accepted by the Applicant of the rezone and the owner at the time. Although staff concurs with the Applicant's statement that the parcel is irregularly shaped and is subject to more residential property lines compared to other similarly-zoned properties in the area, staff does not believe there are extraordinary circumstances due to the previous rezone (GPA No. 551 and AA No. 3823) being applied for and subsequently approved. Therefore, staff does not believe Finding 1 can be made.

In regard to Finding 2, the Applicant states that other similarly-zoned parcels in the vicinity do not meet the Zoning Ordinance requirement, and if the Variance request is approved, the project site will be consistent with fencing on other similarly-zoned parcels. Staff does not necessarily agree that because other similarly-zoned parcels are not meeting the development standards of the zone district, the subject property should be held to standards of the vicinity instead of development standards in the Zoning Ordinance. Staff does not concur with the Applicant's finding that due to the aforementioned situation, a substantial property right is being encroached upon and the Variance request will rectify the situation. Therefore, staff does not believe Finding 2 can be made.

**Recommended Conditions of Approval:**

*None.*

**Conclusion:**

Finding 1 and 2 cannot be made.

*Finding 3:* *The granting of the variance will not be materially detrimental to the public welfare or injurious to property and improvement in the vicinity in which the property is located.*



<b>Surrounding Parcels</b>				
	Size:	Use:	Zoning:	Nearest Residence:
North	0.43 acre	Single-Family Residence	R-R(nb)	Approximately 27 feet
	1 acre	Single-Family Residence	R-R(nb)	Approximately 32 feet
	3.75 acres	Single-Family Residence and Vineyard	R-R(nb)	Approximately 146 feet
South	4.69 acres	Commercial/Professional Office	M-1	Approximately 877 feet
East	4.75 acres	Ponding Basin	City of Fresno	Approximately 1,046 feet
West	2.32 acres	Single-Family Residence	R-R(nb)	Approximately 52 feet

**Reviewing Agency/Department Comments:**

Fresno County Department of Public Health, Environmental Health Division: As noted in the Mitigation and Monitoring Reporting Program, Initial Study No. 7298 prepared for GPA No. 551 and AA No. 3823:

- Storage of trucks shall be prohibited on the subject parcel.
- The subject parcel shall be limited to a contractor storage yard and the owner(s) of the subject parcel shall execute a Cross-Access Agreement to ensure vehicular access to the subject parcel from the southerly-adjacent parcel identified as APN 449-110-12.
- Vehicular access to the subject parcel from Dudley Avenue will be for emergency vehicles only.

**These will be included as a Project Note.**

The operations on the subject parcel shall comply with the Fresno County Noise Ordinance.

**This shall be included as a Project Note.**

Fresno Irrigation District: Fresno Irrigation District (FID) does not own, operate, or maintain any facilities located on the subject property.

For informational purposes, Fresno Irrigation District’s active Victoria Colony – E. Br. No. 43 runs southerly and crosses Dudley Avenue approximately 650 feet west of the subject property. Should this project or any future project on the subject property require any street and/or utility improvements along Dudley Avenue or in the vicinity of this facility, FID requires it review and approve all plans. **This shall be included as a Project Note.**

Fresno Metropolitan Flood Control District: Future development that disturbs more than one acre shall require compliance with the National Pollutant Discharge Elimination System (NPDES) General Permit for Discharges of Storm Water Associated with Construction Activity. Should compliance with the NPDES General Permit for Discharges of Storm Water Associated with Construction Activity be required, before construction begins the developer must submit to the State Water Resources Control Board a Notice of Intent to comply with said permit, a Storm Water Pollution Prevention Plan (SWPPP), a Site Plan, and appropriate fees. The SWPPP must include descriptions of measures taken to prevent or eliminate unauthorized non-storm

water discharges, and best management practices (BMP) implemented to prevent pollutants from discharging with storm water into waters of the United States. **This shall be included as a Project Note.**

Due to the subject parcel being located within Fresno Metropolitan Flood Control District (FMFCD) Drainage Area UU, future development shall require payment of an FMFCD Drainage Fee, the amount of which will be determined at the time the new development is proposed. **This shall be included as a Project Note.**

Kings River Conservation District: No comment.

North Central Fire Protection District: No comment.

Water and Natural Resources Division of the Fresno County Department of Public Works and Planning: No comment.

No other comments specific to land use compatibility were expressed by reviewing Agencies or Departments.

**Analysis:**

In support of Finding 3, the Applicant states that the proposal would provide a chain-link fence that meets height requirements set by the Zoning Ordinance, and that the privacy inserts will shield the use on the property from the adjoining properties in the same way a masonry wall would. Additionally, the Applicant states that on-site lighting on the project site is required to be shielded and contained within the project area, which is the case whether a masonry wall is required or not. With those factors, the Applicant states that the requested Variance should not be materially detrimental to the public welfare, or injurious to property and improvements in the area.

In regard to Finding 3, the masonry wall requirement is intended to create a physical barrier to reduce adverse impacts, such as noise, dust, and unfavorable aesthetics that may occur due to the nature of the industrial operation between the residential and industrial areas. The proposed six (6)-foot-high chain-link fence with privacy inserts will provide the visual screening that will separate the residential and industrial use, however, staff does have concerns about the potential noise and dust impacts that a solid masonry wall would mitigate compared to a chain-link fence with privacy inserts. Staff would like to note that the Applicant has submitted signed letters from three property owners of the adjacent residential properties supporting the Variance request.

While the adjacent residential property owners have provided support for the Variance, staff has reservations with regard to noise and dust impacts even though the chain-link fence and privacy inserts will provide a visual screen of the industrial use from the surrounding residential neighborhood. Although there is support from the adjacent residential property owners, they are not the only properties being affected by the Variance request. Considering the potential dust and noise impacts and the amount of residential properties in the vicinity of the project area, staff believes that the granting of the Variance could be materially detrimental to the public welfare. Therefore staff believes that Finding 3 cannot be made.

**Recommended Conditions of Approval:**

*None.*

**Conclusion:**

Finding 3 cannot be made.

Finding 4:     *The granting of such Variance will not be contrary to the objectives of the Fresno County General Plan.*

**Reviewing Agency Comments:**

Policy Planning Section of the Fresno County Department of Public Works and Planning:  
Review of the subject application indicates that there are no General Plan or Williamson Act issues.

**Analysis:**

In support of Finding 4, the Applicant states that there are no known General Plan objectives that would be in conflict with the approval of the requested Variance.

In regard to Finding 4, the project site was rezoned to the M-1(c) (Light Manufacturing, Conditional) Zone District by AA No. 3823 and designated limited industrial by approval of GPA No. 551. Staff analysis indicates that there are no conflicts with the General Plan and adopted Fresno High–Roeding Community Plan.

Based on these factors, staff believes that the Variance, if approved, will not be contrary to the objectives of the Fresno County General Plan; therefore, Finding 4 can be made.

**Recommended Conditions of Approval:**

*None.*

**Conclusion:**

Finding 4 can be made.

**PUBLIC COMMENT:**

Staff received three letters of support for the Variance which are attached as Exhibit 8.

**CONCLUSION:**

Based on the factors cited in the analysis, staff believes that required Findings 1, 2, and 3 of the Variance Application cannot be made. Staff therefore recommends denial of Variance No. 4061.

## **PLANNING COMMISSION MOTIONS:**

### **Recommended Motion** (Denial Action)

- Move to determine that the required Findings cannot be made and move to deny Variance No. 4061; and
- Direct the Secretary to prepare a Resolution documenting the Commission's action.

### **Alternative Motion** (Approval Action)

- Move to determine that the required Findings can be made (state basis for making the Findings) and move to approve Variance No. 4061, subject to the Conditions of Approval and Project Notes listed in Exhibit 1; and
- Direct the Secretary to prepare a Resolution documenting the Commission's action.

### **Recommended Conditions of Approval and Project Notes:**

See attached Exhibit 1.

TK:ksn

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**Variance Application No. 4061  
Conditions of Approval and Project Notes**

<b>Conditions of Approval</b>	
1.	Development of the property shall be in accordance with the Site Plan and Elevations approved by the Planning Commission.
2.	All previously-approved Conditions of Approval and Projects Notes regarding General Plan Amendment (GPA) No. 551 and Amendment Application (AA) No. 3823 will still apply to the subject property.

Conditions of Approval reference recommended Conditions for the project.

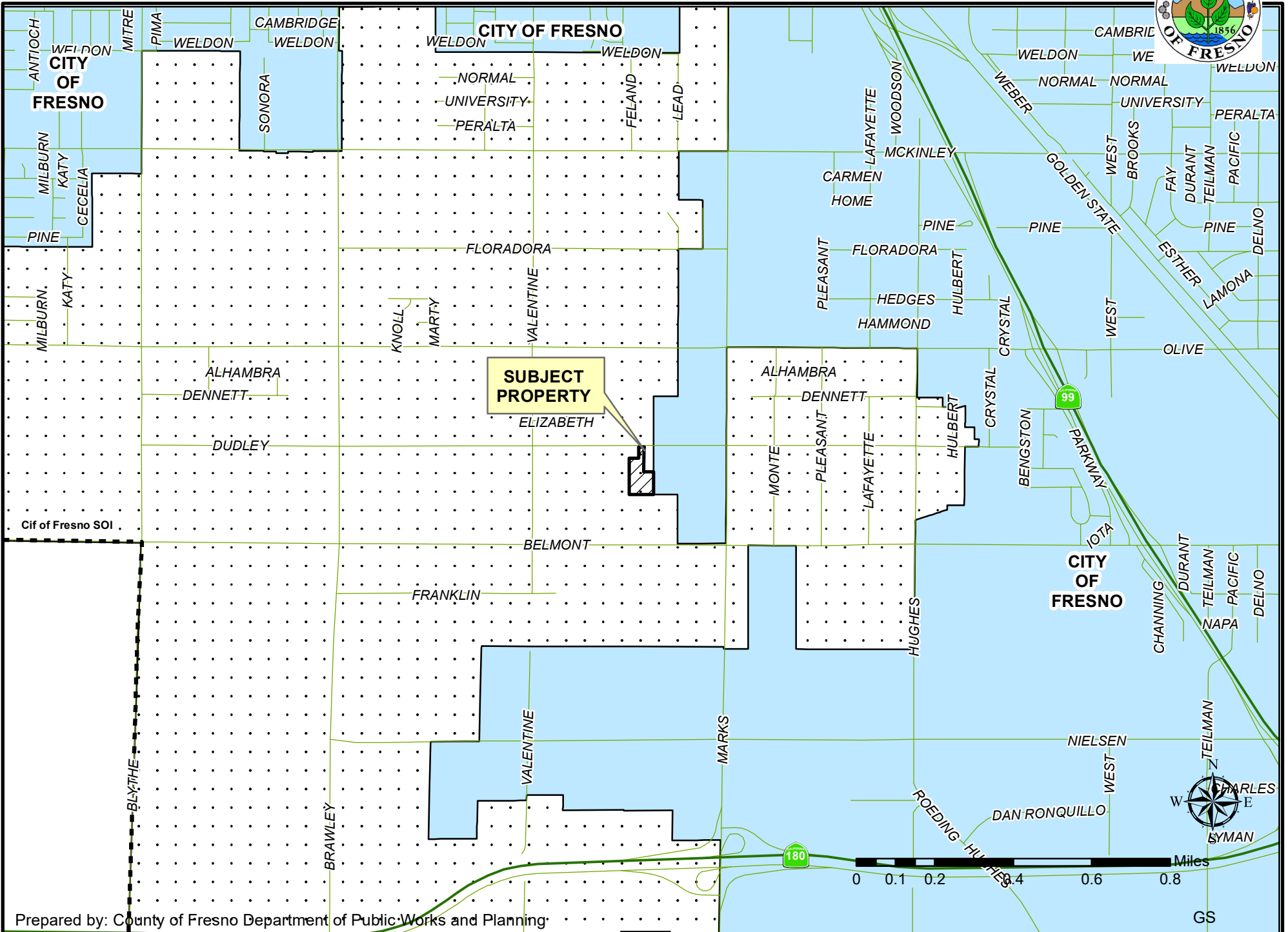
<b>Notes</b>	
<b>The following Notes reference mandatory requirements of Fresno County or other Agencies and are provided as information to the project Applicant.</b>	
1.	<p>The Development Engineering Section of the Development Services and Capital Projects Division has reviewed the subject application and requires that:</p> <ul style="list-style-type: none"> <li>• Typically, any access driveway should be set back a minimum of 10 feet from the property line.</li> <li>• Any work done within the right-of-way to construct a new driveway or improve an existing driveway will require an Encroachment Permit from the Road Maintenance and Operations Division.</li> <li>• Typically, any existing or proposed entrance gate should be set back a minimum of 20 feet from the road right-of-way line or the length of the longest truck entering the site and shall not swing outward.</li> <li>• For any unpaved or gravel surface access roads, the first 100 feet off of the edge of the road right-of-way must be graded and asphalt concrete paved or treated with dust palliative.</li> <li>• 10-foot x 10-foot corner cutoffs should be improved for sight distance purposes at the exiting driveway onto Dudley Avenue.</li> <li>• The project is located within the FMFCD Boundary and Drainage Zone District UU3. FMFCD should be consulted regarding their requirements for any future off-site improvements and driveway placement relative to the property line.</li> <li>• Typically, if the subject property is within the City Sphere of Influence (SOI), the City of Fresno should be consulted regarding their requirements for any future off-site improvements and driveway placement relative to the property line.</li> <li>• A grading permit or voucher may be required for any grading proposed with this application.</li> </ul>
2.	Screening shall be set back from the street fronting property line to match the beginning of the adjoined residential side yards. This will ensure adequate sight distance for vehicles exiting the project site.
3.	The fencing along the side yard should not obstruct the driveway visibility of the adjacent parcels. The side-yard fencing should stop at a point 20 feet behind the right-of-way line.
4.	Any work within the road right-of-way will require an encroachment permit from the Road Maintenance and Operations Division.
5.	<p>The Department of Public Health, Environmental Health Division has reviewed the subject application and will require that:</p> <ul style="list-style-type: none"> <li>• Storage of trucks shall be prohibited on the subject parcel.</li> <li>• The subject parcel shall be limited to a contractor storage yard and the owner(s) of the subject parcel shall execute a Cross-Access Agreement to ensure vehicular access to the subject parcel from the southerly-adjacent parcel identified as APN 449-110-12.</li> <li>• Vehicular access to the subject parcel from Dudley Avenue shall be for emergency vehicles only.</li> <li>• The operations on the subject parcel shall comply with the Fresno County Noise Ordinance.</li> </ul>

<b>Notes</b>	
6.	For informational purposes, Fresno Irrigation District's active Victoria Colony – E. Br. No. 43 runs southerly and crosses Dudley Avenue approximately 650 feet west of the subject property. Should this project or any future project on the subject property require any street and/or utility improvements along Dudley Avenue or in the vicinity of this facility, FID requires it review and approve all plans.
7.	Future Development that disturbs more than one acre shall require compliance with the National Pollutant Discharge Elimination System (NPDES) General Permit for Discharges of Storm Water Associated with Construction Activity. Should compliance with the NPDES General Permit for Discharges of Storm Water Associated with Construction Activity be required, before construction begins, the developer must submit to the State Water Resources Control Board a Notice of Intent to comply with said permit, a Storm Water Pollution Prevention Plan (SWPPP), a site plan and appropriate fees. The SWPPP must include descriptions of measures taken to prevent or eliminate unauthorized non-storm water discharges, and best management practices (BMP) implemented to prevent pollutants from discharging with storm water into waters of the United States.
8.	Due to the subject parcel being located within the Fresno Metropolitan Flood Control District (FMFCD) Drainage Area UU, future development shall require payment of an FMFCD Drainage Fee, the amount of which will be determined at the time the new development is proposed.

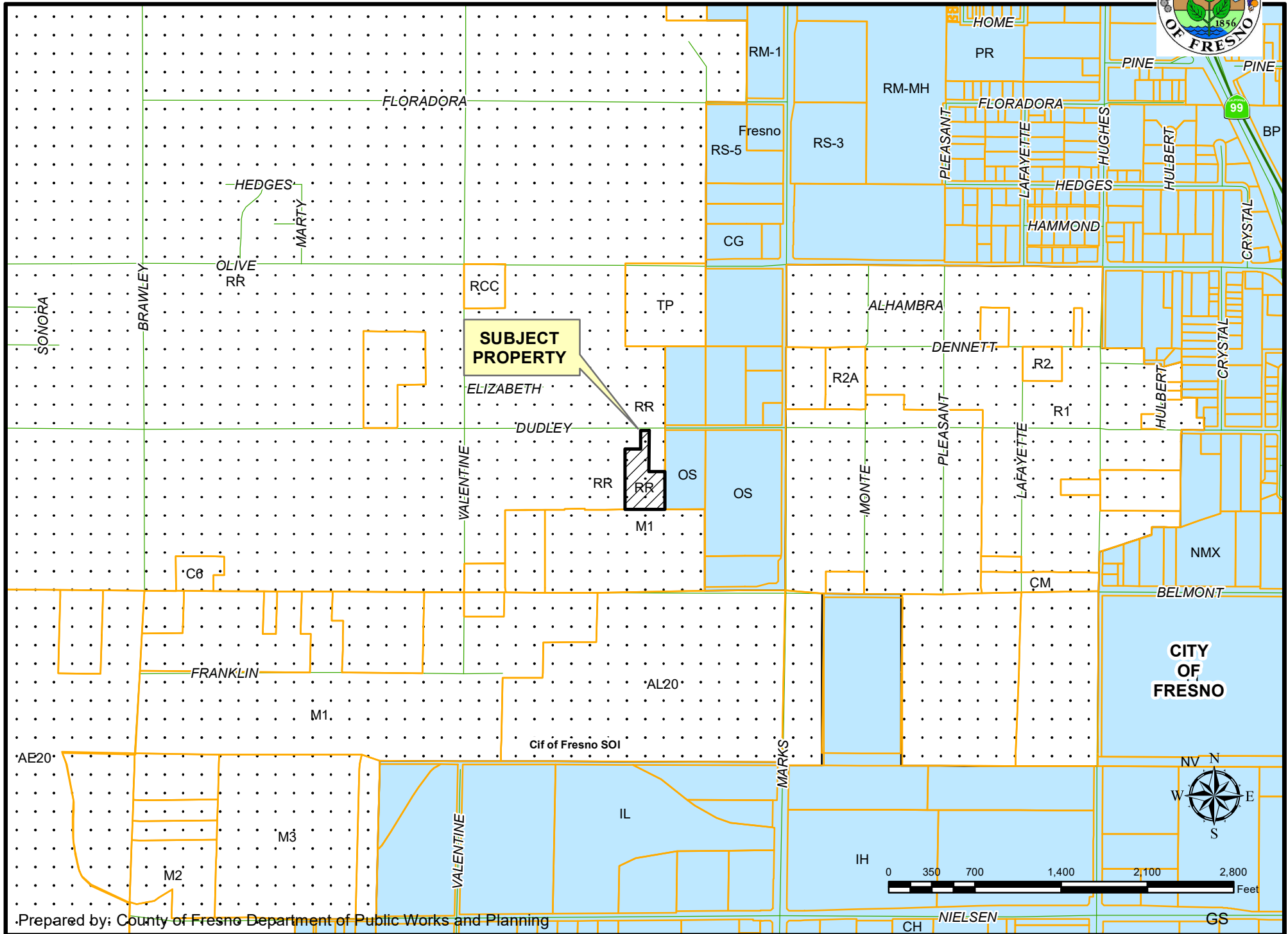
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# LOCATION MAP

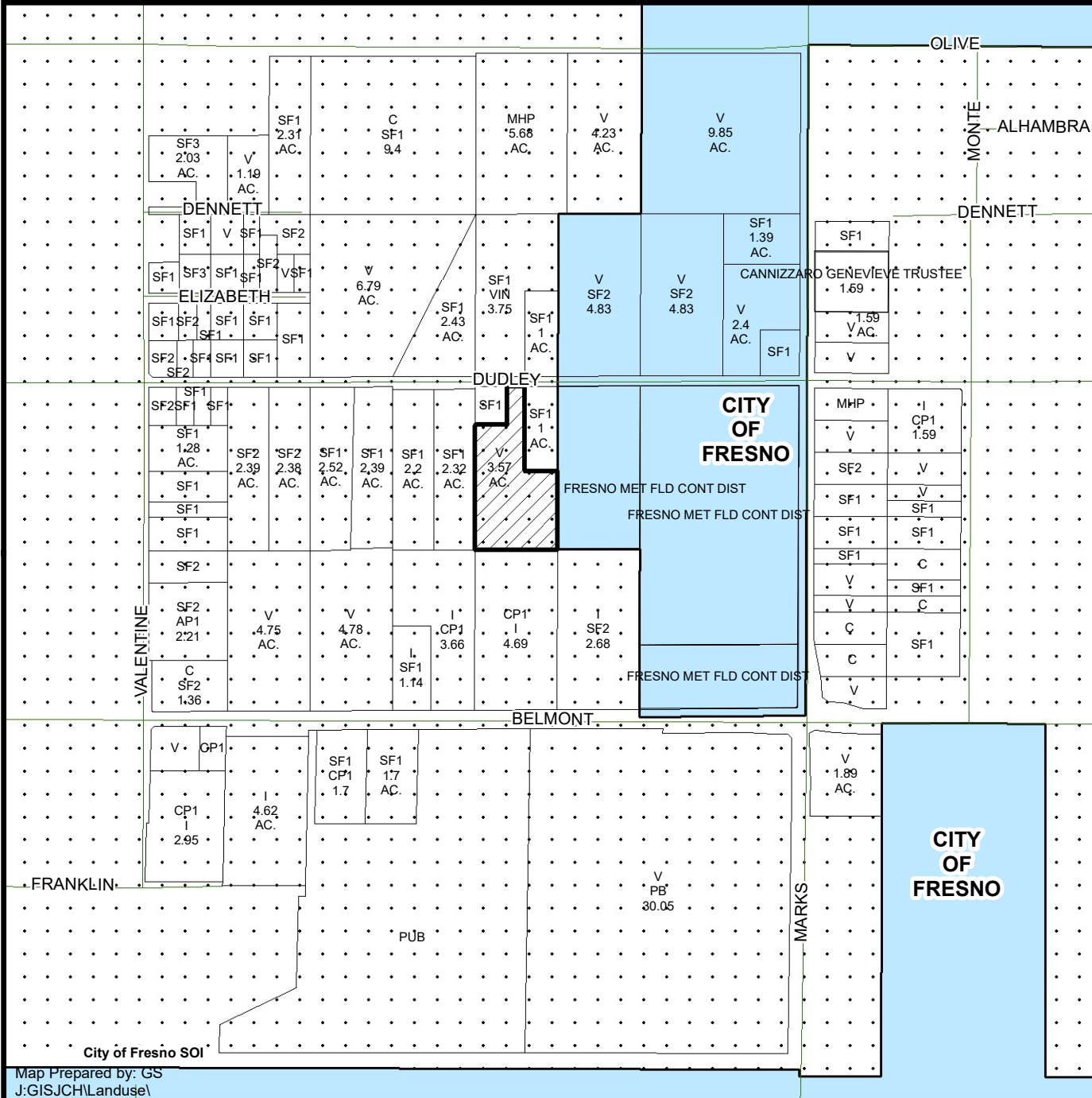


# EXISTING ZONING MAP





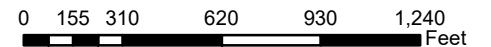
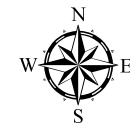
# EXISTING LAND USE MAP



LEGEND	
AP1	- APARTMENT
C	- COMMERCIAL
CP#	- OFFICE COMM./PROF
I	- INDUSTRIAL
PONDING BASIN	
SF#	- SINGLE FAMILY RESIDENCE
V	- VACANT
VIN	- VINEYARD
PUB	- PUBLICLY OWNED
MHP	- MOBILE HOME PARK

**LEGEND:**

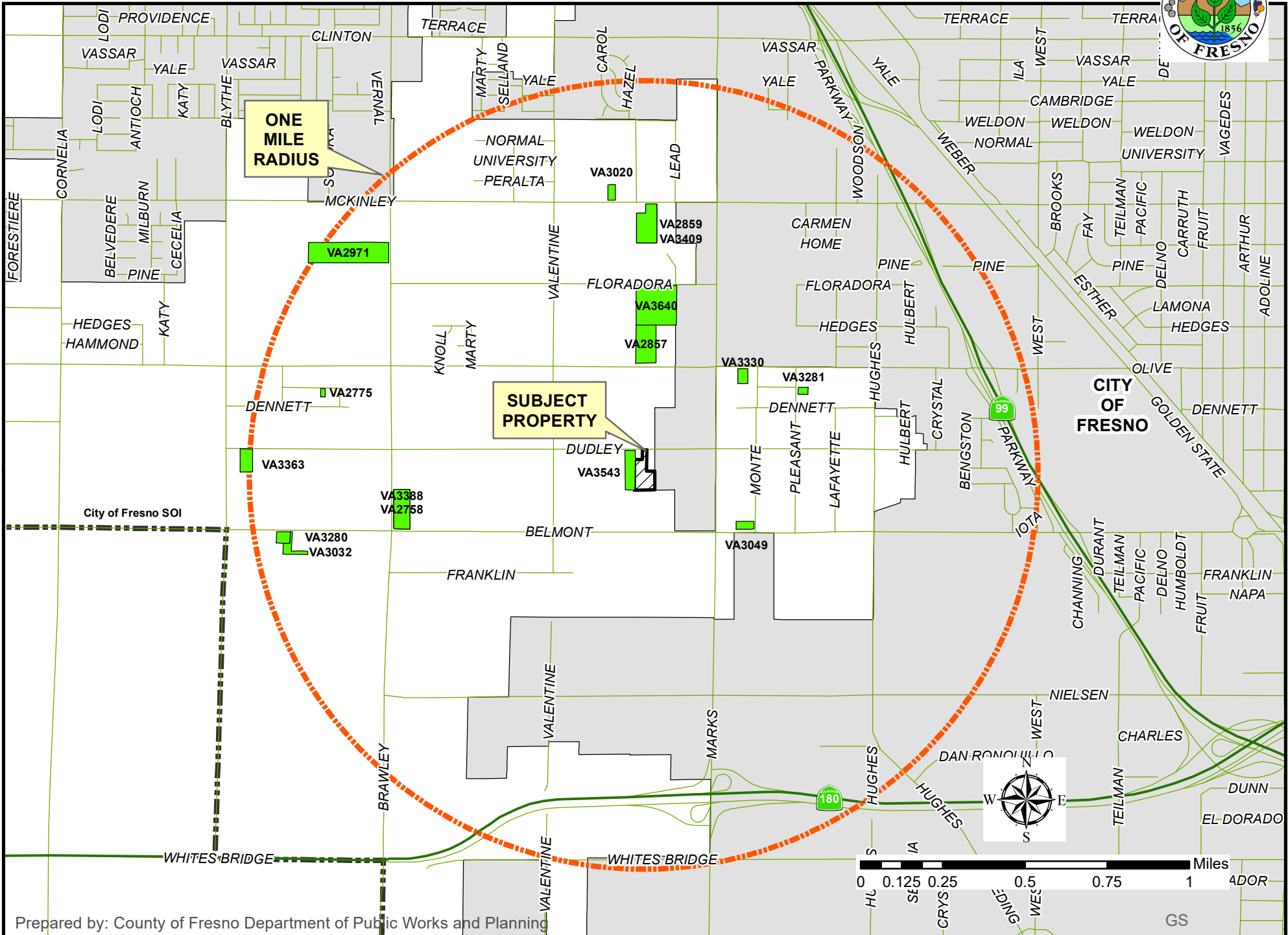
- Subject Property
- City of Fresno SOI



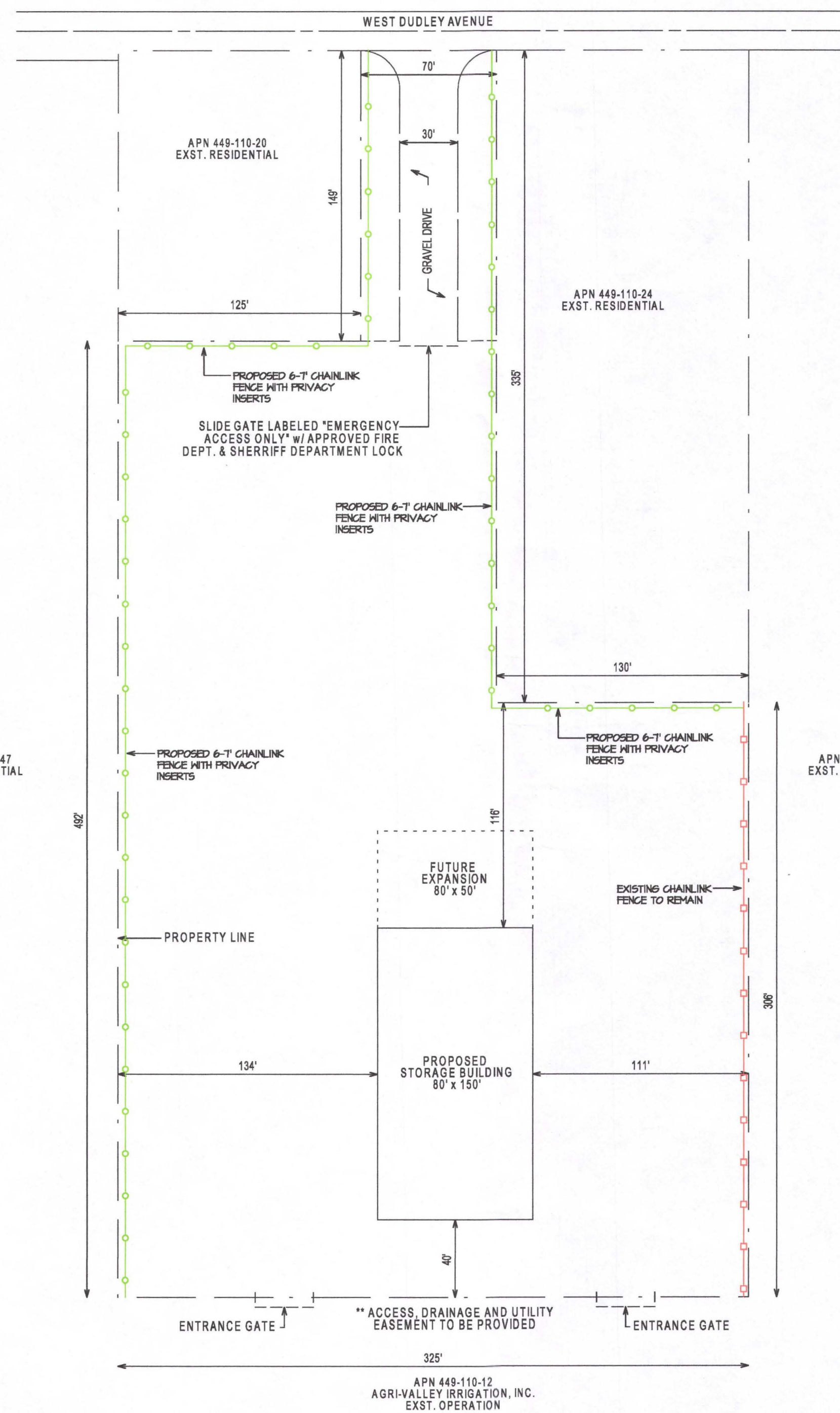
Department of Public Works and Planning  
Development Services Division

Map Prepared by: GS  
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# APPROVED VARIANCES WITHIN A ONE MILE RADIUS



**EXHIBIT 5**



RECEIVED  
 COUNTY OF FRESNO  
 OCT 04 2018  
 DEPARTMENT OF PUBLIC WORKS  
 AND PLANNING  
 DEVELOPMENT SERVICES DIVISION

**LEGEND**

EXISTING CHAINLINK FENCE TO REMAIN

PROPOSED 6-T' CHAINLINK FENCE WITH PRIVACY INSERTS

**AGRI-VALLEY IRRIGATION INC.** FRESNO FIVE POINTS FIREBAUGH MERCED VISALIA BAKERSFIELD

CERTIFIED IRRIGATION SPECIALISTS 800-357-2269

**AGRI-VALLEY IRRIGATION**

FRESNO EXPANSION	SCALE: 1"=50'	DATE: 09-25-2018
DESIGNER :	DRAWING:	

REPRODUCTION OR USE OF THESE PLANS WITHOUT THE EXPRESSED WRITTEN CONSENT OF AVI IS PROHIBITED.

Example of Proposed  
Chain Link Fence With Privacy Screening



**EXHIBIT 7**

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COUNTY OF FRESNO

OCT 04 2018

DEPARTMENT OF PUBLIC WORKS  
AND PLANNING  
DEVELOPMENT SERVICES DIVISION

Mr. Bernard Jimenez, Assistant Director  
Fresno County  
Public Works and Planning  
2220 Tulare Street, 6<sup>th</sup> Floor  
Fresno, CA 93721

SUBJECT: PROPOSED GENERAL PLAN AMENDMENT (GPA) 551 AND REZONING APPLICATION (AA) 3832 –  
LARRY ROMPAL PROPERTY – WEST DUDLEY AVENUE

Dear Mr. Jimenez:

I own the properties located at 3157 W. Dudley which is next to the above property.

I do not object to Mr. Rompal's request to install a 6'-7' chain link fence with privacy panels in lieu of a masonry wall on the property lines adjacent to my property.

Please feel free to contact me if you have any questions.

Sincerely,



Sang Vue

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COUNTY OF FRESNO

OCT 04 2018

DEPARTMENT OF PUBLIC WORKS  
AND PLANNING  
DEVELOPMENT SERVICES DIVISION

Mr. Bernard Jimenez, Assistant Director  
Fresno County  
Public Works and Planning  
2220 Tulare Street, 6<sup>th</sup> Floor  
Fresno, CA 93721

SUBJECT: PROPOSED FENCE VARIANCE REQUEST – LARRY ROMPAL PROPERTY – WEST DUDLEY AVENUE

Dear Mr. Jimenez:

I own the property located at 3213 W. Dudley which is near the above property.

I do not object to Mr. Rompal's request to install a 6'-7' chain link fence with privacy panels in lieu of a masonry wall on the property lines adjacent to my property.

Please feel free to contact me if you have any questions.

Sincerely,

Filadelfo Gonzalez

A handwritten signature in black ink, appearing to read "Filadelfo Gonzalez", written over a horizontal line.

RECEIVED  
COUNTY OF FRESNO

OCT 04 2018

DEPARTMENT OF PUBLIC WORKS  
AND PLANNING  
DEVELOPMENT SERVICES DIVISION

Mr. Bernard Jimenez, Assistant Director  
Fresno County  
Public Works and Planning  
2220 Tulare Street, 6<sup>th</sup> Floor  
Fresno, CA 93721

SUBJECT: PROPOSED GENERAL PLAN AMENDMENT (GPA) 551 AND REZONING APPLICATION (AA) 3832 –  
LARRY ROMPAL PROPERTY – WEST DUDLEY AVENUE

Dear Mr. Jimenez:

I own the property located at 3189 W. Dudley which is next to the above property.

I do not object to Mr. Rompal's request to install a 6'-7' chain link fence with privacy panels in lieu of a masonry wall on the property lines adjacent to my property.

Please feel free to contact me if you have any questions.

Sincerely,

Miguel Quinteros

A handwritten signature in black ink that reads "X Miguel A. Quinteros". The signature is written in a cursive style and is positioned above a horizontal line.



## Inter Office Memo

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**ATTENTION: FOR FINAL ACTION OR MODIFICATION TO OR ADDITION OF CONDITIONS, SEE FINAL BOARD OF SUPERVISOR'S ACTION SUMMARY MINUTES.**

DATE: March 15, 2018

TO: Board of Supervisors

FROM: Planning Commission

SUBJECT: RESOLUTION NO. 12704 - INITIAL STUDY APPLICATION NO. 7298,  
GENERAL PLAN AMENDMENT APPLICATION NO. 551 AND AMENDMENT  
APPLICATION NO. 3823

APPLICANT: Larry and Shelly Rompal

REQUEST: Amend the Fresno County General Plan and County-adopted Fresno High-Roeding Community Plan by re-designating a 3.57-acre parcel from Rural Density Residential to Limited Industrial, and rezone the subject 3.57-acre parcel from R-R(nb) (Rural Residential, two-acre minimum parcel size, Neighborhood Beautification Overlay) to M-1(c) (Light Manufacturing, Conditionally limited to Contractors Storage Yard).

LOCATION: The subject parcel is located on the south side of W. Dudley Avenue, between N. Valentine Avenue and N. Marks Avenue, westerly adjacent to the city limits of the City of Fresno (Sup. Dist. 1) (APN 449-110-23).

### PLANNING COMMISSION ACTION:

At its hearing of March 15, 2018, the Commission considered the Staff Report and testimony (summarized in Exhibit "A").

A motion was made by Commissioner Vallis and seconded by Commissioner Eubanks to recommend adoption of the Mitigated Negative Declaration prepared for Initial Study Application No. 7298; recommend to the Board of Supervisors approval of General Plan Amendment Application No. 551 and Amendment Application No. 3823; and direct the Secretary to prepare a resolution recommending that the proposed changes to the County General Plan and approval of the proposed rezone are consistent with the Fresno County General Plan, subject to the Conditions as listed in Exhibit "B", with inclusion of an additional Condition to require a Cross-Access Agreement between the subject parcel and a southerly-adjacent parcel owned by the Applicants.



RESOLUTION NO. 12704

This motion passed on the following vote:

VOTING:      Yes:            Commissioners Vallis, Eubanks, Burgess, Ede, Lawson and  
    Abrahamian

                                 No:            Commissioners Delahay and Woolf

                                 Absent:        None

                                 Abstain:       None

                                 Recused:      None

STEVEN E. WHITE, DIRECTOR  
 Department of Public Works and Planning  
 Secretary-Fresno County Planning Commission

By:  \_\_\_\_\_  
 William M. Kettler, Manager  
 Development Services and Capital Projects Division

DC:  
 G:\4360Devs&Pln\ADMIN\BOARD\Board Items\2010-2019\2018\5-8-18\GPA 551 AA 3823\GPA551 AA3823 AI Exhibit 1 (Reso).docx

Attachments

EXHIBIT A

Initial Study Application No. 7298  
General Plan Amendment Application No. 551  
Amendment Application No. 3823

Staff: The Fresno County Planning Commission considered the Staff Report dated March 15, 2018, and heard a summary presentation by staff.

Applicant: A representative of the Applicant disagreed with the Staff Report recommendation for denial. He described the proposal and offered the following information:

- Multiple letters of support have been provided for the proposed General Plan Amendment and rezoning (letters provided directly to Planning Commission at the March 15, 2018 Planning Commission Hearing).
- The area of the proposal has inconsistent General Plan designations for industrial and residential land uses.
- County staff referred the subject parcel to the City of Fresno for annexation; however, the City declined annexation while acknowledging the proposed General Plan Amendment and rezoning request proposed industrial zoning.
- The Applicants are willing to offer an additional Condition of Approval to require slatted chain-link fencing along the westernmost property line of the subject parcel.
- The owners of the subject parcel are also the owners and operators of a southerly-adjacent irrigation contractor's operation (Agri-Valley Irrigation) which plans to utilize the subject parcel as additional storage space for the existing irrigation contractor's operation.
- Different General Plan designations should be separated by roads, which is not the case with the subject parcel.
- Vehicular access to Dudley Avenue will be for emergencies only, and the Applicants are willing to offer an additional Condition of Approval to require a Cross-Access Agreement between the subject parcel and the southerly-adjacent parcel, which is the location of the Applicants' existing irrigation contractors operation.
- The land use to be allowed by this proposal is limited in scope to a Contractors Storage Yard.

Others: The Applicant provided additional testimony in support of the application stating:

## RESOLUTION NO. 12704

- The existing irrigation contractors operation (Agri-Valley Irrigation) located on the property southerly-adjacent to the subject parcel has been growing and additional storage space is necessary.
- It is the intention of Agri-Valley Irrigation to remain in the Fresno area and this proposal will allow the business to grow without re-locating.
- Some materials from Agri-Valley Irrigation were stored on a neighboring property, with said property owner's permission, as a temporary emergency measure.

### Others:

Three individuals representing property owners in the vicinity spoke in opposition to the proposal, offering the following testimony:

- The neighborhood is a rural farming area being encroached upon by industrial uses.
- The Applicants are currently utilizing the subject parcel for storage activities.
- The existing industrial uses in the area are aesthetically displeasing.

### Correspondence:

No letters were presented to the Planning Commission in opposition to the applications. Seven letters in support of the proposal were presented to the Planning Commission by the Applicants' representative.

DC:

G:\4360Devs&PIn\ADMIN\BOARD\Board Items\2010-2019\2018\5-8-18\GPA 551 AA 3823\GPA551 AA3823 AI Exhibit 1 (Reso).docx

**Mitigation Monitoring and Reporting Program**  
**Initial Study (IS) Application No. 7298 / General Plan Amendment Application No. 551 / Amendment Application No. 3823**  
**(Including Conditions of Approval and Project Notes)**

<b>Mitigation Measures</b>					
<b>Mitigation Measure No.*</b>	<b>Impact</b>	<b>Mitigation Measure Language</b>	<b>Implementation Responsibility</b>	<b>Monitoring Responsibility</b>	<b>Time Span</b>
*1.	Aesthetics	All outdoor lighting shall be hooded, directed and permanently maintained as to not shine toward adjacent properties and roads.	Applicant	Applicant/Fresno County Department of Public Works and Planning (PW&P)	Ongoing
*2.	Cultural Resources	In the event that cultural resources are unearthed during ground-disturbing activities, all work shall be halted in the area of the find. An Archeologist shall be called to evaluate the findings and make any necessary mitigation recommendations. If human remains are unearthed during ground-disturbing activities, no further disturbance is to occur until the Fresno County Sheriff-Coroner has made the necessary findings as to origin and disposition. All normal evidence procedures shall be followed by photographs, reports, video, etc. If such remains are determined to be Native American, the Sheriff-Coroner must notify the Native American Commission within 24 hours.	Applicant	Applicant	During ground-disturbing activities
*3.	Geology and Soils	Only low water uses and uses that generate small amounts of liquid waste shall be permitted until such time that the subject parcel is served by community sewer and community water systems, or adequate information is submitted to the Environmental Health Division of the Fresno County Department of Public Health and the Fresno County Department of Public Works and Planning to demonstrate that the subject parcel can accommodate higher volumes of liquid wastes.	Applicant	Applicant/Fresno County Department of Public Health/PW&P	Ongoing
*4.	Transportation/Traffic	Storage of trucks shall be prohibited on the subject parcel.	Applicant	Applicant/PW&P	Ongoing

<b>Conditions of Approval</b>	
1.	The subject parcel shall be limited to the following use: Contractors Storage Yard
2.	The project developer shall construct all street frontage improvements along the subject parcel's Dudley Avenue frontage per City of Fresno development standards. This requirement shall include any right-of-way dedication necessary for the street frontage improvements.
3.	Only low water uses shall be permitted until such time that public water service from the City of Fresno public water system is available to the subject parcel. Availability of public water service shall be defined as the presence of a potable water main constructed and operational within 100 feet of the subject parcel. At such time when public water service is available to the subject parcel, the property shall be required to: (a) connect to the City of Fresno public water system within 60 calendar days; (b) destroy any on-site water well in accordance with State and County well destruction standards within 60 days; and (c) pay all City of Fresno water meter, service connection, and capacity fees as specified in the City's Master Fee Schedule. If the subject parcel fails to connect to the City of Fresno public water system within 60 calendar days of public water service being available to the property, the property owner consents to the City of Fresno placing a lien on the subject parcel equal to the value of the water well destruction cost, water meter cost, service connection cost, and capacity fee cost.
4.	Only uses that generate small amounts of liquid waste shall be permitted until such time that public sewer service from the City of Fresno public sewer system is available to the subject parcel. Availability of public sewer service shall be defined as the presence of a public sewer main constructed and operational within 100 feet of the subject parcel. At such time when public sewer service is available to the subject parcel, the property shall be required to: (a) connect to the City of Fresno public sewer system within 60 calendar days; (b) destroy any on-site wastewater disposal system in accordance with State and County wastewater disposal system destruction standards within 60 days; and (c) pay all City of Fresno sewer lateral, connection, and capacity fees as specified in the City's Master Fee Schedule. If the subject parcel fails to connect to the City of Fresno public sewer system within 60 calendar days of public sewer service being available to the property, the property owner consents to the City of Fresno placing a lien on the subject parcel equal to the value of the wastewater disposal system destruction cost, sewer lateral cost, service connection cost, and capacity fee cost.
5.	<p>The owner of the subject parcel shall record a document irrevocably offering 10 feet of the subject parcel to the County of Fresno as future right-of-way for Dudley Avenue (20 feet existing). The southern edge of said offer shall establish the building setback line for future development.</p> <p>Note: A preliminary title report or lot book guarantee may be required before the irrevocable offer of dedication can be processed. The property owner is advised that where deeds of trust or any other type of monetary liens exist on the property, the cost of obtaining a partial reconveyance, or any other document required to clear title to the property, shall be borne by the owner or developer. The County will prepare the irrevocable offer of dedication free of charge.</p>
6.	<b>The owner(s) of the subject parcel shall execute a Cross-Access Agreement to ensure vehicular access to the subject parcel from the southerly-adjacent parcel identified as Assessor's Parcel Number (APN) 449-110-12. The Cross-Access Agreement shall be reviewed for approval by the Fresno County Department of Public Works and Planning.</b>

\*MITIGATION MEASURE – Measure specifically applied to the project to mitigate potential adverse environmental effects identified in the environmental document.  
Conditions of Approval reference recommended Conditions for the project.

## Notes

**The following Notes reference mandatory requirements of Fresno County or other Agencies and are provided as information to the project Applicant.**

1.	Prior to issuance of Building Permits, a Site Plan Review (SPR) shall be submitted to and approved by the Department of Public Works and Planning in accordance with Section 874 of the Fresno County Zoning Ordinance. Conditions of the Site Plan Review may include: design of parking and circulation areas, access, on-site grading and drainage, fire protection, landscaping, signage, and lighting.
2.	Future development shall satisfy the requirements set forth in the California Health and Safety Code (HSC), Division 20, Chapter 6.95, and the California Code of Regulations (CCR), Title 22, Division 4.5. Future development which handles hazardous materials or hazardous waste above the following State reporting thresholds shall be required to submit a Hazardous Materials Business Plan pursuant to the HSC, Division 20, Chapter 6.95: 1) 55 gallons of liquid material; 2) 500 pounds of solid material; 3) 200 cubic feet of compressed gas; or 4) the threshold planning quantity for extremely hazardous substances.
3.	All hazardous waste shall be handled in accordance with requirements set forth in the California Code of Regulations (CCR), Title 22, Division 4.5, which discusses proper labeling, storage and handling of hazardous wastes.
4.	Future development shall comply with the California Code of Regulations Title 24 – Fire Code.
5.	Future development may be subject to the following San Joaquin Valley Unified Air Pollution Control District Rules and Regulations: Regulation VIII (Fugitive PM10 Prohibitions), Rule 4102 (Nuisance), Rule 4601 (Architectural Coatings), and Rule 4641 (Cutback, Slow Cure, and Emulsified Asphalt Paving and Maintenance Operations).
6.	Future development shall be subject to the Seismic Design Category D Standards, including the requirement to provide a Geotechnical Investigation to the Development Services and Capital Projects Division of the Fresno County Department of Public Works and Planning for review and approval in order to acquire building and installation permits.
7.	Future development shall require a Grading Permit or Grading Voucher for any grading activities.
8.	Future development that disturbs more than one acre shall require compliance with the National Pollutant Discharge Elimination System (NPDES) General Permit for Discharges of Storm Water Associated with Construction Activity. Should compliance with the NPDES General Permit for Discharges of Storm Water Associated with Construction Activity be required, before construction begins, the developer must submit to the State Water Resources Control Board a Notice of Intent to comply with said permit, a Storm Water Pollution Prevention Plan (SWPPP), a Site Plan, and appropriate fees. The SWPPP must include descriptions of measures taken to prevent or eliminate unauthorized non-storm water discharges, and best management practices (BMP) implemented to prevent pollutants from discharging with storm water into waters of the United States.
9.	Due to the subject parcel being located within Fresno Metropolitan Flood Control District (FMFCD) Drainage Area UU, future development shall require payment of an FMFCD Drainage Fee, the amount of which will be determined at the time the new development is proposed.
10.	Future development shall comply with the Fresno County Noise Ordinance related to construction noise, limiting noise-generating construction activities to the hours of 7:00 a.m. to 6:00 p.m. Monday through Friday and 7:00 a.m. to 5:00 p.m. Saturday and Sunday.
11.	A ten-foot by ten-foot corner cutoff shall be maintained for sight distance purposes at any driveway accessing Dudley Avenue.

<b>Notes</b>	
12.	Any work performed within the County right-of-way shall require an Encroachment Permit from the Road Maintenance and Operations Division of the Fresno County Department of Public Works and Planning.
13.	Any unpaved or gravel-surfaced driveway must be graded and asphalt concrete paved or treated with a dust palliative for the first 100 feet from the edge of the Dudley Avenue right-of-way.
14.	Any additional run-off generated by development cannot be drained across property lines, and must be retained on site per County Standards.

DC:ksn

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EXHIBIT "C"

ATTACHMENT  
TO  
AGENDA ITEM

FISCAL IMPACT STATEMENT

Initial Study Application No. 7298  
General Plan Amendment Application No. 551  
Amendment Application No. 3823

Listed below are the fees collected for the land use applications involved in this Agenda Item:

Initial Study Application	\$ 5,151.00 <sup>1</sup>
General Plan Amendment Application	\$ 7,000.00 <sup>2</sup>
Amendment Application	\$ 6,214.00 <sup>2</sup>
Public Health Department Review	\$ <u>1,180.00<sup>3</sup></u>
<b>Total Fees Collected</b>	<b>\$ <u>19,545.00</u></b>

<sup>1</sup> Includes project routing, coordination with reviewing agencies, preparation and incorporation of analysis into Staff Report.
<sup>2</sup> Review and research, engaging with reviewing departments and multiple agencies, staff's analysis, Staff Report and Board Agenda Item preparation, public hearings before County Planning Commission and County Board of Supervisors.
<sup>3</sup> Review of proposal and associated environmental documents by the Department of Public Health, Environmental Health Division.





**County of Fresno**  
**Board of Supervisors**  
**Minute Order**

Hall of Records, Room 301  
2281 Tulare Street  
Fresno, California  
93721-2198  
Telephone: (559) 600-3529  
Toll Free: 1-800-742-1011  
www.co.fresno.ca.us

**May 8, 2018**

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**Present:** 5 - Vice Chairman Andreas Borgeas, Supervisor Nathan Magsig, Supervisor Buddy Mendes, Supervisor Brian Pacheco, and Chairman Sal Quintero

Agenda No. 12.

Public Works & Planning

File ID: 18-0361

**Re:** Consider and adopt Mitigated Negative Declaration prepared for Initial Study Application No. 7298 including Mitigation Monitoring and Reporting Program prepared for General Plan Amendment Application No. 551 and Amendment Application No. 3823, amending Fresno County General Plan and County-adopted Fresno High-Roeding Community Plan by re-designating 3.57-acre parcel from Rural Density Residential to Limited Industrial; approve Ordinance pertaining to Amendment Application No. 3823 thereby rezoning subject 3.57-acre parcel from R-R(nb) to M-1(c); and adopt Resolution approving General Plan Amendment Application No. 551 as First General Plan Amendment of Agriculture and Land Use Element of Fresno County General Plan for 2018, subject parcel is located on south side of W. Dudley Avenue, between N. Valentine Avenue and N. Marks Avenue, westerly adjacent to city limits of City of Fresno

**A MOTION WAS MADE BY SUPERVISOR PACHECO, SECONDED BY VICE CHAIRMAN BERGEAS, THAT THIS MATTER BE APPROVED AS RECOMMENDED. THE MOTION CARRIED BY THE FOLLOWING VOTE:**

**Ayes:** 5 - Borgeas, Magsig, Mendes, Pacheco, and Quintero

Ordinance No. R-481-3823, Resolution No. 18-186

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FEB 11 2019

DEPARTMENT OF PUBLIC WORKS  
AND PLANNING  
DEVELOPMENT SERVICES DIVISION

VARIANCE REQUEST  
LARRY AND SHELLY ROMPAL  
APN 449-110-23  
Updated February 11, 2019

**APPLICANT**

Larry and Sherry Rompal  
P.O. Box 11881  
Fresno, CA 93775  
larry@agrivalley.com

**REPRESENTATIVE**

Joe Guagliardo  
Comprehensive Planning Associates, Inc.  
5414 E. Pitt  
Fresno, CA 93727  
[Joe.guagliardo@comcast.net](mailto:Joe.guagliardo@comcast.net)  
559-259-5000

**REQUEST**

Variance to allow the construction of a six (6) foot chain link fence with privacy inserts in lieu of the six (6) foot high solid masonry wall for a portion of the property that abuts existing residentially zoned property as required in Fresno County Zoning Ordinance §843.5.H(1).

**BACKGROUND**

The subject property is an irregular "pan handled" shaped 3.57 +/- acre property generally located on the south side of West Dudley Avenue between North Marks Avenue and North Valentine Avenue. The subject property is proposed to be used as a storage yard for the adjoining irrigation business located immediately to the south. On May 8 2018, the Fresno County Board of Supervisors approved General Plan Amendment application GPA 551, to designate the property as Industrial and Amendment Application AA 3823 to rezone the property from RR to M-1(c). The surrounding properties are described below and referenced on the attached aerial photo (Exhibit 1).

Aerial Photo Reference	LOCATION IN RELATION TO SUBJECT PROPERTY	APN	ZONING	USE
1	East	449-110-09T	OS (Open Space)	Ponding Basin
2	Northeast	449-110-24	RR (nb)	SFR and Open Field
3	Northwest	449-110-20	RR (nb)	SFR
4	West	449-110-47	RR (nb)	SFR and Open Field
5	Southwest	449-110-37	M1	Truck Terminal
6	South	449-110-12	M1	Irrigation Construction and Supply Office and Storage Yard (Owned by Applicant)
7	Southeast	449-110-11	M1	Construction Storage Yard

**EXHIBIT 10**

As shown on the photograph and the above table, the properties to the northeast (Property Reference 2) and northwest (Property Reference 1) are zoned RR (nb) and are relatively small lots (1.00 +/- acre and .43 +/- acres respectively) with single family homes.

The property to the west (Property Reference 4) is also zoned RR(nb)and is 2.34 +/- acres in size. However, while developed with a single family residence, the residence is located on the northern 213 +/- feet of the property and the balance of the property depth (433 +/- feet) is open ground.

The applicant is requesting that a variance be granted to Fresno County Zoning Ordinance §843.5.H(1), which requires the construction of a masonry wall along the portions of the property adjacent to residentially zoned properties. The proposed fence would be a 6 high chain link fence with privacy inserts to screen the property. The proposed location of the requested chain link fencing with privacy panels is shown on Exhibit 2.

### JUSTIFICATION

The Fresno County Zoning Ordinance (§877) provides for the granting of a variance when specific conditions exist.

*1. There are exceptional or extraordinary circumstances or conditions applicable to the property involved which do not apply generally to other property in the vicinity having the identical zoning classification.*

- (a) As noted above, the subject property, as well as the properties on West Belmont are designated as Industrial in the Fresno County General Plan and are zoned M-1. However, while the other properties that are zoned M-1 have at most two (2) property lines that are a district boundary with residentially zoned property, the subject property has five (5) property lines that are district boundaries with residentially zoned properties.
- (b) As shown in Exhibit 1, the subject property is an irregular shaped “pan handled” parcel while the other M-1 parcels in the area are rectangular shaped parcels.
- (c) The total length of masonry wall that the subject property is potentially responsible to construct is approximately 1,171 +/- linear feet. The adjoining M-1 parcels would be responsible for masonry walls less than 350 linear feet.

*2. Such variance is necessary for the preservation and enjoyment of a substantial property right of the applicant, which right is possessed by other property owners under like conditions in the vicinity having the identical zoning classification.*

- (a) None of the other M-1 properties on West Belmont that have a property line adjacent to residentially zoned properties have masonry walls. Therefore, if the requested variance is granted, it will not only be consistent with the existing uses in the area, by providing a height of 6' and privacy screening, it will exceed what exists in the area.

*3. The granting of a Variance will not be materially detrimental to the public welfare or injurious to property and improvements in the vicinity in which the property is located.*

(a) The request is to provide chain link fence with privacy screening 6' high. This proposed fence is as high as what is required by the Zoning Ordinance. The privacy screening will shield the uses on the property from adjoining properties in the same way a masonry wall would.

In addition, all onsite lighting, etc. is required to be shielded and contained on site. This is the case whether there is a masonry wall or not.

Therefore, the requested variance should not be materially detrimental to the public welfare, or injurious to property and improvements in the area.

*4. The granting of such a Variance is not contrary to the objectives of the General Plan.*

(a) There are no known General Plan Objectives that would be in conflict with the approval of the requested variance.